IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 79 OF 2007

M/s. Maredia Associate
Construction Pvt. Ltd., .. Petitioner.

vs.

Slum Rehabilitation Authority
& Ors. .. Respondents.

Mr. A.Y. Sakhare a/w Mr. L.M. Acharya
for petitioner.
Mr. G.D. Utangale i/by M/s. Utangale & Co.
for Respondent nos. 1 and 2.
Mr. Pradeep Jadhav, AGP., for Respondent Nos.3 & 4.
Mr. R.S. Shekhawat for Respondent No.5.

Coram: J.N. PATEL &,
S.C. DHARMADHIKARI, JJ.
Date: 14th February, 2007.

P.C.

. Heard.

2. The petition can be disposed of at the admission stage itself.

3. The Petitioner no. 1 is a company who is the registered owner of the slum property in question who

has entered into an agreement with the petitioner no. 2, a registered partnership firm, for development of the slum property under a registered power of attorney. It is the contention of the petitioners that they have obtained consent of more than 70% of the slum occupiers out of 256 eligible occupiers on the said slum property comprising of Parab Chawl, Tawde Chawl, Samlal Bhuvan Chawl, Dave Chawl, Jadhav Chawl, Pandhare Chawl, Mestry Chawl, Gondhalekar Chawl and Kadam Chawl and they have come together and formed Shree Mahakali Cooperative Housing Society (Proposed). It is the apprehension on the part of the petitioners that the respondent nos. 3 and 4 by initiating steps i.e. issuing show cause notice under section 14 (1) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 on the application made by one Shri Shai Saran Society on 11.5.2005 may deprive the petitioners of their claim and proceed to acquire the property owned by the petitioner no.1 company.

4. In response to the notice, an affidavit has been filed on behalf of respondent nos. 3 and 4 by Shri Narhari Bhiva Bhatkar, Naib Tahsildar from the office of the Additional Collector, (Encroachment / Removal), Western Suburban District, Administrative Building, Bandra-East, Mumbai wherein it has been specifically stated in para 4 that it is expedient to give hearing to all concerned and interested persons to enable the authorities to come to the conclusion and

initiate further proceedings as per the provisions of the Slum Act. The learned AGP makes a statement that as the authorities have accepted the status of the petitioners as interested in redevelopment of the said slum, the apprehension on the part of the petitioners that the authorities would proceed to acquire the property under section 14 (1) of the Slum Act is unfounded and that the authorities would hear the petitioners along with all those who are interested in the matter, in terms of the proviso to sub-section (1) of Section 14 of the Slum Act and then take appropriate decision in the matter.

5. We, therefore, dispose of this petition with a direction to the respondents particularly respondent nos. 3 and 4 to consider the proposal of the petitioner before initiating any steps for acquisition and then take further steps in the matter of acquisition as contemplated in the show cause notice which is subject matter of challenge. Needless to say that the respondent nos. 3 and 4 will give fair opportunity of hearing to the petitioners and pass a speaking order while taking a decision in respect of their claim for redevelopment under the said Act. In case an adverse order is passed against the petitioners, the authorities will not initiate further steps in the matter for a period of 14 days from the date of communication of the order in writing to the petitioner.

(J.N. Patel, J.)

(S.C. Dharmadhikari, J.)